

City Council Introduction: **Monday**, July 15, 2002
Public Hearing: **Monday**, July 22, 2002, at **1:30 p.m.**

Bill No. 02-109

FACTSHEET

TITLE: **STREET & ALLEY VACATION NO. 02007**, requested by the Director of the Parks and Recreation Department, to vacate the un-named street south of Perkins Boulevard between South 17th Street and Harrison Avenue.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan.

ASSOCIATED REQUESTS: None.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 06/26/02
Administrative Action: 06/26/02

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (8-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Bills-Strand and Taylor voting 'yes'; Steward absent).

FINDINGS OF FACT:

1. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based on the "Analysis" as set forth on p.3, concluding that the area requested to be vacated is currently used as park land. Provided that the actual pavement location is dedicated as public street right-of-way, this request conforms to the Comprehensive Plan.
2. This application was placed on the Consent Agenda of the Planning Commission on June 26, 2002, and opened for public hearing. No one came forward the speak.
3. On June 26, 2002, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan.
4. The legal description required by Condition #1.2 has been submitted.
5. The City Clerk has determined that the provisions of Chapter 14.20 of the Lincoln Municipal Code have been met.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 8, 2002

REVIEWED BY: _____

DATE: July 8, 2002

REFERENCE NUMBER: FS\CC\2002\SAV.02007

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street & Alley Vacation #02007

DATE: June 11, 2002

PROPOSAL: To vacate a portion of un-named street south of Perkins Boulevard between S. 17th Street and Harrison Ave.

LAND AREA: 13,454 square feet, more or less

CONCLUSION: The requested vacation is currently used as park land. Provided that the actual pavement location is dedicated as public street right of way, this request conforms to the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: A tract of land composed of a portion of un-named right-of-way located in the SW 1/4 of Section 36, T10N, R6E of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described in the attachment.

LOCATION: South of Perkins Boulevard, between S. 17th Street and Harrison Avenue

APPLICANT: Lynn Johnson, Director of Parks & Recreation
2740 "A" Street
Lincoln, NE 68502
(402) 331-7847

OWNER: City of Lincoln

SURROUNDING LAND USE AND ZONING:

North:	R-4	residential
South:	P	park
East:	R-4	residential
West:	P	park

HISTORY: This area was converted from B Two Family Dwelling District to P Public Use in the **1979 Zoning Update**.

The Garfield Park plat was filed at the Register of Deeds on **July 25, 1916**.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates this area as Parks and Open space.

UTILITIES: There are existing sanitary and storm sewer systems within the proposed vacation. If the property were to be sold to a private owner, permanent easements would need to be dedicated.

TRAFFIC ANALYSIS: This un-named street is considered a local street in the 2025 Comprehensive Plan. If approved, this action will not change existing traffic movements.

ANALYSIS:

1. The Garfield Park plat was filed at the Register of Deeds in 1916. The street connecting S. 17th Street to Perkins Blvd./Harrison Ave. was built in a different location than was shown on the plat. This application proposes the vacation of the un-named street and the dedication of public right-of-way where the street was actually built.
2. The area of this vacation is currently park land.
3. The as-built street must be dedicated to the public as part of this vacation.

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 Provide a metes and bounds legal description for the existing paved area, which is to be dedicated as public right-of-way.

Prepared by:

Jason Reynolds
Planner

STREET VACATION NO. 02007

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

June 26, 2002

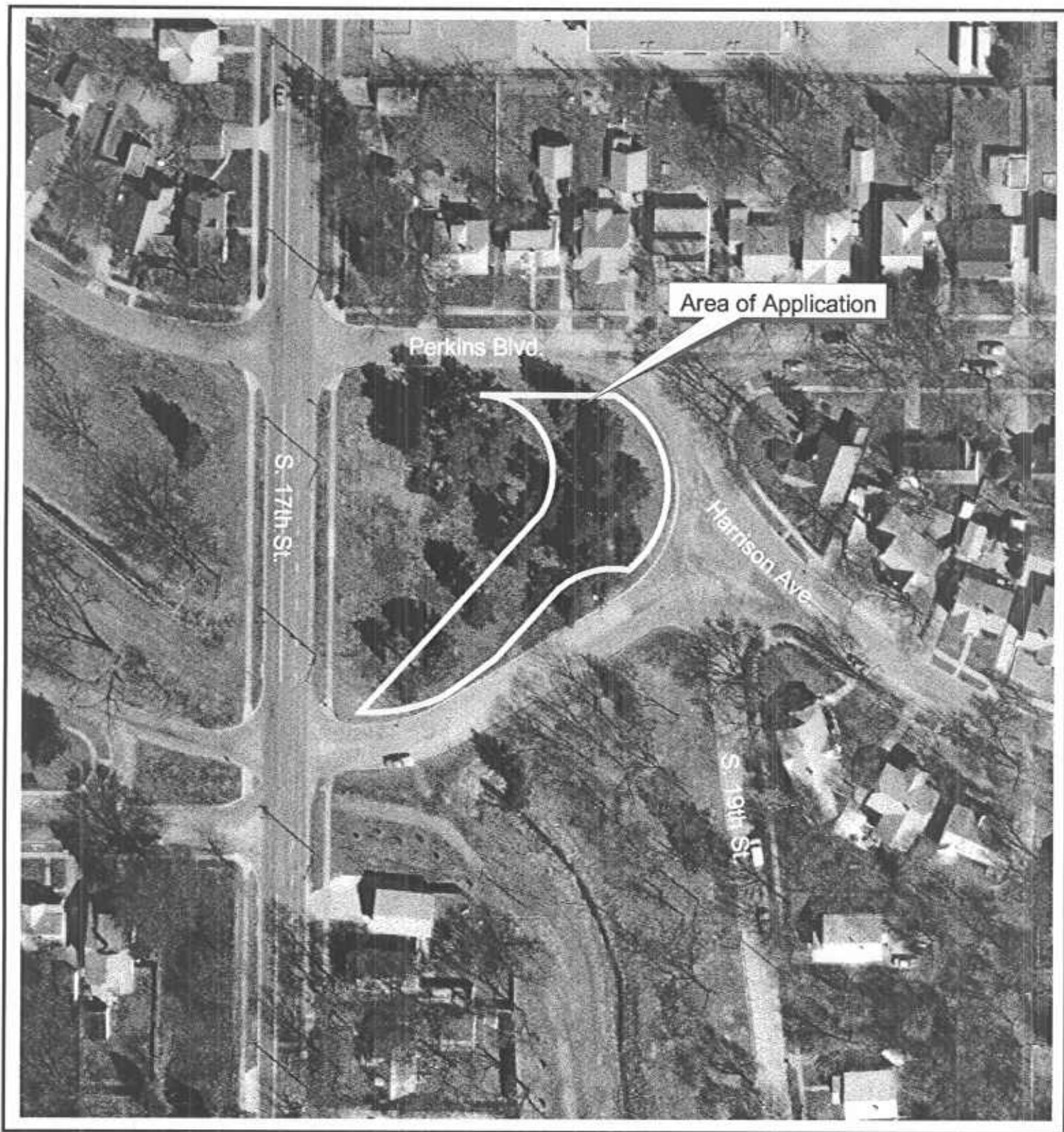
Members present: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Bills-Strand and Taylor; Steward absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. HP73; CHANGE OF ZONE NO. 3363; SPECIAL PERMIT NO. 893B, FAIRFIELD PARK 3RD ADDITION COMMUNITY UNIT PLAN; FINAL PLAT NO. 01026, VAVRINA MEADOWS 9TH ADDITION; FINAL PLAT NO. 01032, PHEASANT RUN 7TH ADDITION; COUNTY FINAL PLAT NO. 02027, DEER TRAIL ADDITION; STREET AND ALLEY VACATION NO. 02007; WAIVER OF DESIGN STANDARDS NO. 02009; and MISCELLANEOUS NO. 00009.**

Item No. 1.2a, Change of Zone No. 3363; Item No. 1.2b, Special Permit No. 893B; and Item No. 1.7, Waiver of Design Standards No. 02009, were removed from the Consent Agenda and scheduled for separate public hearing.

Duvall moved to approve the remaining Consent Agenda, seconded by Bills-Strand and carried 8-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Bills-Strand and Taylor voting 'yes'; Steward absent.

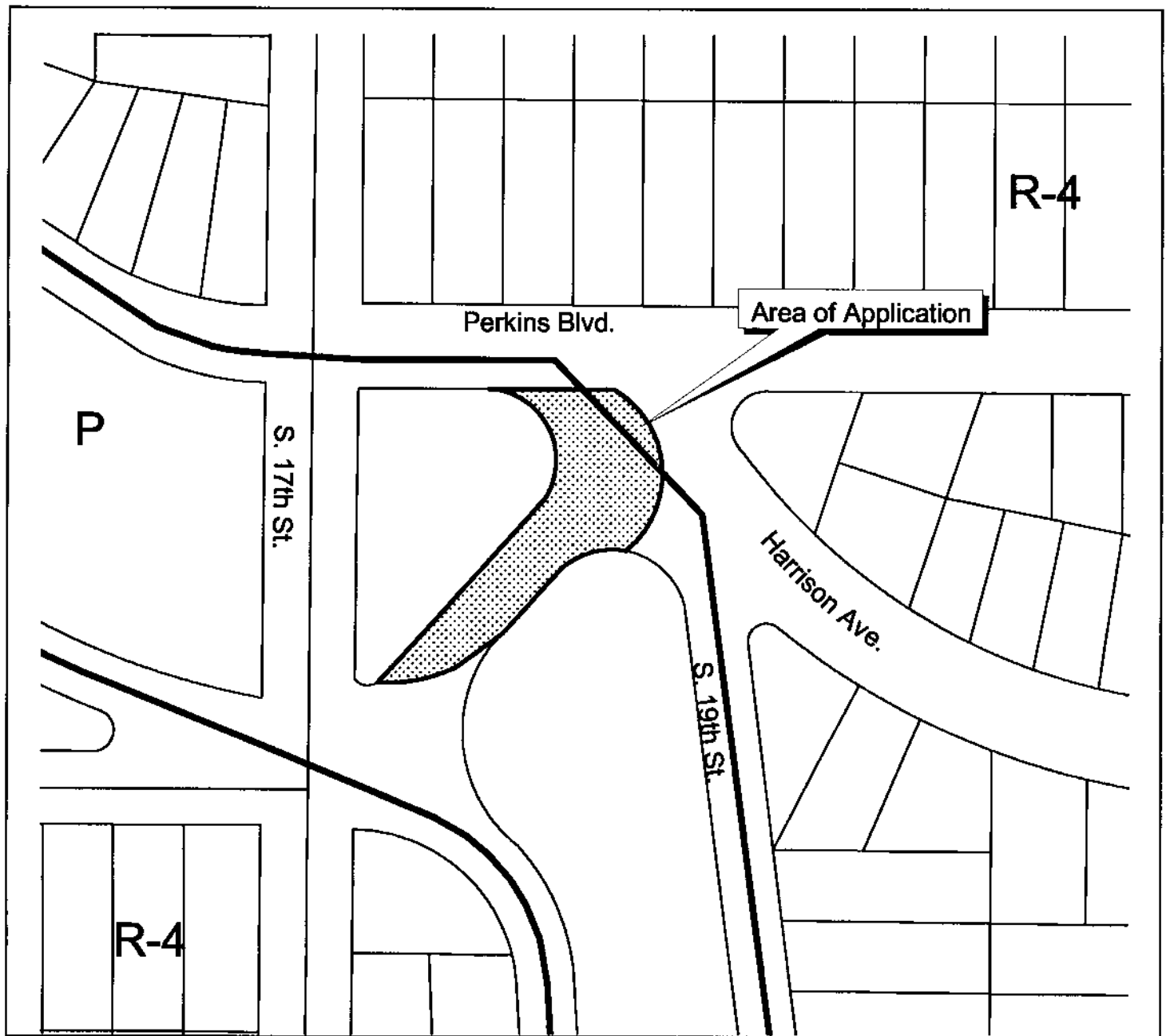
Note: This is final action on the Vavrina Meadows 9th Addition Final Plat No. 01026 and the Pheasant Run 7th Addition Final Plat No. 01032, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Street & Alley Vacation #02007
A portion of un-named street,
south of Perkins Blvd. between
S. 17th & Harrison Ave.



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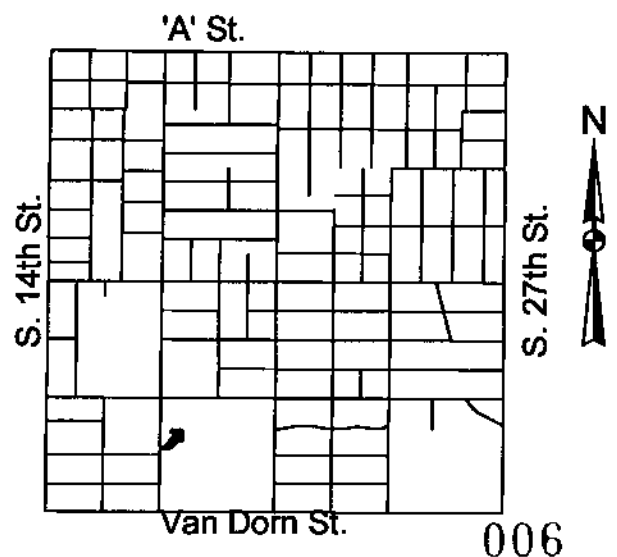
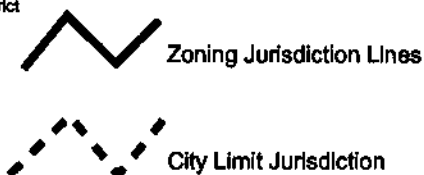


Street & Alley Vacation #02007
A portion of un-named street,
south of Perkins Blvd. between
S. 17th & Harrison Ave.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

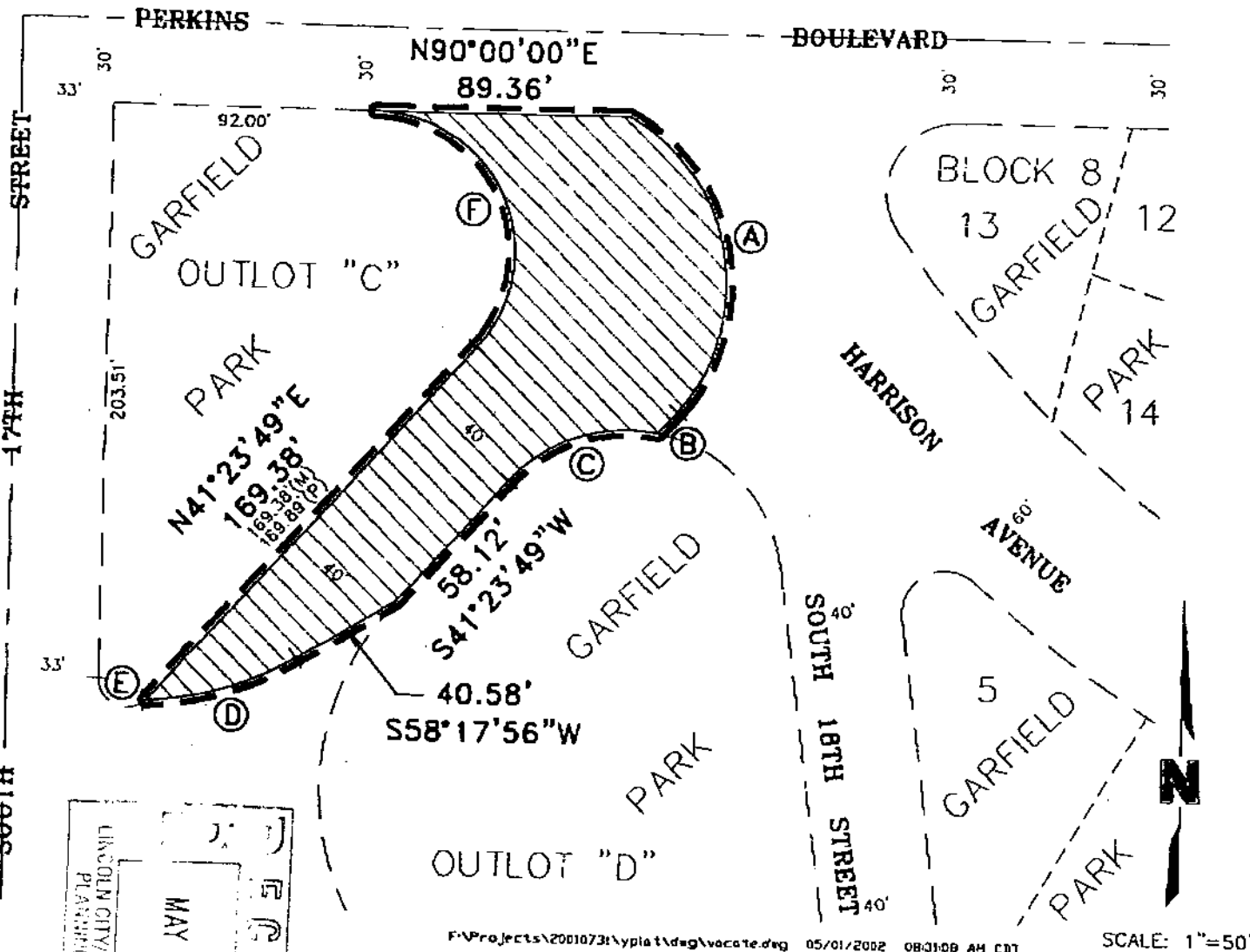
One Square Mile
 Sec. 36 T10N R6E



ROW VACATION EXHIBIT

CURVE DATA

(A) $\Delta=100^{\circ}32'54''$ R=69.00 L=121.09 T=83.03 C=106.14 CB=S10°15'03"E	(D) $\Delta=28^{\circ}39'47''$ R=110.00 L=55.03 T=28.10 C=54.46 CB=S72°37'49"
(B) $\Delta=3^{\circ}50'09''$ R=150.15 L=10.05 T=5.03 C=10.05 CB=S41°56'29"W	(E) $\Delta=4^{\circ}49'57''$ R=10.00 L=0.84 T=0.42 C=0.84 CB=N43°48'48"
(C) $\Delta=59^{\circ}31'27''$ R=55.00 L=57.14 T=31.45 C=54.60 CB=S71°09'33"W	(F) $\Delta=131^{\circ}23'49''$ R=50.00 L=114.67 T=110.73 C=91.14 CB=N24°18'05"W



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**LEGAL DESCRIPTION
RIGHT-OF-WAY VACATION**

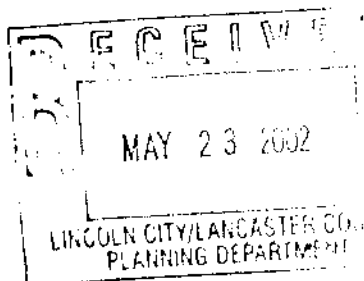
A LEGAL DESCRIPTION FOR RIGHT-OF-WAY VACATION PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF UN-NAMED RIGHT-OF-WAY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF OUTLOT "C" GARFIELD PARK, SAID POINT BEING THE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINE OF PERKINS BOULEVARD, A DISTANCE OF 89.36 FEET TO A POINT, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 69.00 FEET, ARC LENGTH OF 121.09 FEET, DELTA ANGLE OF 100 DEGREES 32 MINUTES 54 SECONDS, A CHORD BEARING OF SOUTH 10 DEGREES 15 MINUTES 03 SECONDS EAST, AND A CHORD LENGTH OF 106.14 FEET TO A POINT OF COMPOUND CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 150.15 FEET, ARC LENGTH OF 10.05 FEET, DELTA ANGLE OF 03 DEGREES 50 MINUTES 09 SECONDS, A CHORD BEARING OF SOUTH 41 DEGREES 56 MINUTES 29 SECONDS WEST, AND A CHORD LENGTH OF 10.05 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF OUTLOT "D" GARFIELD PARK, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION, HAVING A RADIUS OF 55.00 FEET, ARC LENGTH OF 57.14 FEET, DELTA ANGLE OF 59 DEGREES 31 MINUTES 27 SECONDS, A CHORD BEARING OF SOUTH 71 DEGREES 09 MINUTES 33 SECONDS WEST ALONG A NORTH LINE OF SAID OUTLOT "D", AND A CHORD LENGTH OF 54.60 FEET TO A POINT OF TANGENCY, THENCE SOUTH 41 DEGREES 23 MINUTES 49 SECONDS WEST ALONG THE NORTHWEST LINE OF SAID OUTLOT "D", A DISTANCE OF 58.12 FEET TO A POINT, THENCE SOUTH 58 DEGREES 17 MINUTES 56 SECONDS WEST, A DISTANCE OF 40.58 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 110.00 FEET, ARC LENGTH OF 55.03 FEET, DELTA ANGLE OF 28 DEGREES 39 MINUTES 47 SECONDS, A CHORD BEARING OF SOUTH 72 DEGREES 37 MINUTES 49 SECONDS WEST, AND A CHORD LENGTH OF 54.46 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF OUTLOT "C" GARFIELD PARK, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION, HAVING A RADIUS OF 10.00 FEET, ARC LENGTH OF 0.84 FEET, DELTA ANGLE OF 04 DEGREES 49 MINUTES 57 SECONDS, A CHORD BEARING OF NORTH 43 DEGREES 48 MINUTES 48 SECONDS EAST ALONG A SOUTH LINE OF SAID OUTLOT "C", AND A CHORD LENGTH OF 0.84 FEET TO A POINT OF TANGENCY, THENCE NORTH 41 DEGREES 23 MINUTES 49 SECONDS EAST ALONG A SOUTHEAST LINE OF SAID OUTLOT "C", A DISTANCE OF 169.38

FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION, HAVING A RADIUS OF 50.00 FEET, ARC LENGTH OF 114.67 FEET, DELTA ANGLE OF 131 DEGREES 23 MINUTES 49 SECONDS, A CHORD BEARING OF NORTH 24 DEGREES 18 MINUTES 05 SECONDS WEST ALONG A EAST LINE OF SAID OUTLOT "C", AND A CHORD LENGTH OF 91.14 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 13,454.06 SQUARE FEET OR 0.31 ACRES, MORE OR LESS.

MAY 1, 2002 (9:17AM)

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Lincoln



Nebraska's Capital City

May 23, 2002

Lincoln City/Lancaster County
Planning Commission
Lincoln, Nebraska 68508

RE: Vacating a Portion of Un-Named Street Located South of Perkins Boulevard between South 17th Street and Harrison Avenue


Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a petition from Lynn Johnson, Director of Lincoln Parks and Recreation Department, to vacate the above described public right-of-way. This vacation is requested because existing street pavement does not fall in the platted right-of-way. The intention is to vacate the existing right-of-way and establish new right-of-way to fit existing pavement.

The City of Lincoln has existing sanitary and storm sewer systems in this area. If this area were ever to be sold to a private owner, permanent easements would need to be dedicated.

The Department of Public Works recommends approval of this request subject to dedication of right-of-way over the existing pavement. This vacation contains an area of 13,454.06 square feet, more or less.

Sincerely,


Byron Blum
Engineering Services

cc: Mayor Wesely
Allan Abbott
Kent Morgan
Marc Wullschleger
Roger Figard
Nicole Fleck-Tooze
Joan Ross
Clint Thomas
Dana Roper

S 17th & Harrison Vac Ltr tdm wpd

